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Opinion Committee *State of Texas*  
*House of Representatives*

*RQ-0168-JC*

**RON LEWIS**  
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December 13, 1999

COMMITTEES:  
CHAIRMAN  
ENERGY RESOURCES  
MEMBER  
NATURAL RESOURCES  
MEMBER  
LEGISLATIVE COUNCIL

*RL*

The Honorable John Cornyn  
Attorney General of Texas  
P.O. Box 12548  
Austin, Texas 78711-2548

Office of the Attorney General  
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**DEC 28 1999**

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Dear General:

As chairman of the House Committee on Energy, I hereby request your legal opinion on whether state law allows a government body to meet with its attorney in executive session to discuss a bid on a contract.

It has been brought to my attention that during an August 23 meeting, the Port of Beaumont Commission adjourned to executive session to discuss, with its attorney, a pending contract for loading and unloading services. There were four bids made for the contract. After the closed session ended, the commissioners returned to open session and unanimously approved one of the bids for the contract without public discussion.

The Beaumont Enterprise has challenged the legality of that closed session, citing Texas Government Code 551.071, which states that a government body may not conduct a private consultation with its attorney except when seeking advice about pending or contemplated litigation, when discussing a settlement offer or when discussing a matter in which the duty of the attorney to the governmental body under State Bar rules clearly conflicts with the government code.

However, the port's attorneys cite that same section as a reason for keeping the session closed to discuss details of the bid, indicating that any consultation with an attorney about a contract may be held in executive session. In the best interests of government, I want to see this matter resolved.

You will find enclosed, a letter from Joe Larsen, representing the Enterprise, a copy of the agenda item and the minutes of the August meeting.

I know you have pledged to enforce open meetings and open records laws as well as to render opinions on such in a timely manner. I would appreciate your assistance with this matter.

Sincerely,

Ron Lewis

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enclosure